

C O U N C I L   C O M M U N I C A T I O N

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TO:            BUILDING APPEALS BOARD            COUNCIL MEETING DATE: July 11, 1990

FROM:        CHIEF BUILDING INSPECTOR

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SUBJECT:    DOORS IN FIREWALLS

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INDICATED ACTION: Consider an appeal to allow doors in fire resistive, property line walls.

BACKGROUND INFORMATION: The 1988 Uniform Building Code, Section 504(b) and City of Lodi Ordinance No. 1476 A does not allow doors in fire resistive walls which are located within five feet of the property line.

The appeals board may approve alternate methods of code compliance, provided it finds the method offered is at least equivalent to that prescribed by the code.

The Building Inspection Division would issue building permit to cut door openings in the firewalls of adjoining properties provided the applicant completed the following steps:

- A. Record a cross-over agreement between adjoining landowners with the San Joaquin County Recorder's Office.
- B. Secure the approval of the Building Appeals Board.
- C. Install two, three-hour fire resistive doors--one on each side of the common property line.
- D. Provide plans of proposed construction. Plans must be prepared by a licensed architect or engineer.

NOTE: This method was used at the J.C. Penney store to accommodate the catalog sales office in the adjoining property.

Recording Requested By

JOHN L. BARKLEY

When Recorded Mail To

JOHN L. BARKLEY  
Attorney at Law  
404 W. Pine St., Suite 9  
Lodi, CA 95240

CROSS OVER AGREEMENT BETWEEN ADJOINING LANDOWNERS

This Agreement **is** made this 26<sup>th</sup> ~~Jay~~ of June, 1990 by and between JUNE MARGARET BUSH, the party of **the** first part, herein- after referred to as "BUSH" and JOSE R. TAPIA and EVA P. TAPIA, husband and wife, the party of the second part hereinafter referred ta as "TAPIA".

**WHEREAS**, Bush **is** the owner of that certain real property commonly known as 127 No. Sacramento St., Lodi, California, more particularly described in Exhibit "A" which is attached hereto hereto **and by** this reference made a part hereof. Said real property will be referred to in this Agreement as "Parcel I"; and

**WHEREAS**, Tapia **is** the owner of that certain real property commonly known as 125 No. Sacramento St., todì, California, **more** particularly described in Exhibit "B" which is attached hereto and by this reference made a part hereof. Said real property will be referred to in this Agreement as "Parcel II"; and

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WHEREAS, the parties hereto do desire to create a common crossover privilege and right between themselves in reference to the above described adjoining parcels of property so that doorways can be installed in the common wall which separates the two Parcels **so** that the interior of said Parcels will be inter-connected.

NOW, THEREFORE, the parties hereto do agree as follows:

1. Two doorways shall be established in the common wall which separates Parcel I and Parcel II such that the interiors of said Parcels **shall** be inter-connected.

2. **Bush** hereby grants to **Tapia** the right to establish the said doorways in the common wall and to use same as a means of ingress and egress from Parcel II to **Parcel I**.

3. **Tapia** hereby grants to **Bush** the right to establish the said doorways in the common wall and to use same as a means of ingress and egress **from** Parcel I to Parcel II.

4. The right to use and maintain the doorways for the purpose **of** access between the two Parcels which is being granted between the landowners herein shall continue for such period of time as the parties hereto shall agree. Either party may terminate this right upon thirty (30) days written notice to the other party.

5. This agreement shall be binding on and shall inure to the benefit of the parties hereto **and** their respective heirs, executors,

successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Cross Over Agreement Between Adjoining Landowners, the day and year first above written.

June Margaret Bush  
June Margaret Bush

1614 ...  
(address)  
...

JOSE R. TAPIA

EVA P. TAPIA

(address)

STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

On this.. 26th .. day of... June .., in the year ... 1990 .....

SS. ... before me,  
Lorraine M. Phillips ... Notary Public, State of California,  
duly commissioned and sworn, personally appeared

JUNE MARGARET BUSH

personally known to me (or proved to me on the basis of satisfactory evidence, to be the person ... whose name ... is

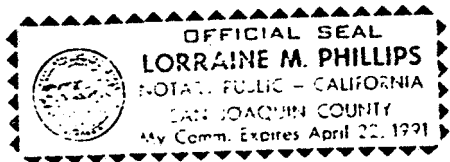
subscribed to this instrument, and acknowledged that ... S he ... executed it.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the ... County of

San Joaquin

on the date set forth above

in this certificate.



This document is only a general form which may be proper for use in simple transactions and it is not intended to act as a substitute for the advice of an attorney. The printer does not take any liability, either express or implied as to the legal validity of any provision in the instrument or the validity of these forms in any specific transaction.

Lorraine M. Phillips  
Notary Public, State of California

My commission expires April 22, 1991

Real property located in the County of San Joaquin, State of California, commonly known as 127 North Sacramento Street, Lodi, California, and more particularly described as follows:

Portion of Lots three (3) and four (4) in Block fourteen (14), as shown upon Map entitled, "MOKEILIANE" filed for record August 25, 1869, San Joaquin County Records, described as follows:

Beginning at the Northeast corner of Lot 4, thence Southerly along the Easterly line of Lot 4, 68 feet to the Northeast corner of the land described in the Deed to Fannie M. Walling, recorded in Book "A" of Deeds, Vol. 552, page 99, Records of said County; thence Westerly along the Northerly line of the land described in said Deed to Walling, 90 feet to the Northwest corner of the land described in said Deed to Walling; thence Northerly along the Easterly line of the land described in the Deed to John P. and Nattie Ames, recorded in Book "A" of Deeds, Vol. 36, page 431, Records of said County, 68 feet to the Northerly line of Lot 3; thence Easterly along the Northerly line of Lots 3 and 4, 90 feet to the point of beginning.

EXHIBIT "A"

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All that certain real praparty situated, lying and being in the City of Lodi, County of San Joaquin, State of California, described as follows, to wit:

A portion of Lots Three (3) and Four (4) in Block Fourteen (14) in the City of Lodi, formerly Mokelumno, according to the Official Map or Plat thereof, filed for record August 25, 1869 at 8:48 am in Book of Maps and Plats, Volume 2, Page 12 of San Joaquin County Records, more particularly described as follows, to wit:

Commencing at a point Fifty (50) feet North of the North line of the alley running East and West through said Block Fourteen (14) land between Locust and Elm Streets in said City of Lodi, and running thence North along the West line of Sacramento Street, Fifty-two (52) feet; thence at right angles

Westerly Ninety (90) foot; thence Southerly at right angles Fifty-two (52) feet; thence Easterly and parallel with said alley to the point of beginning.

The Assessor's Parcel Number is 043-026-05.

September 13, 1989



CC-6

CC-14 (a)

CC-24 (b)

CC-91

CITY OF LODI  
BUILDING DEPARTMENT  
Call Box 3006  
Lodi, CA 95241-1910

ATTENTION: ROGER HOUSTON

SUBJECT: LAKESHORE PROFESSIONAL CENTER  
1806 W. KETTLEMAN LANE

Dear Roger:

Our client wishes us to appeal your decision to classify his building at the above address from Type V-N to Type V-1 hr. Your basic contention is water space cannot be considered as open area in computing allowable area increase. Our appeal will center on this assumption.

Please set the hearing date and inform us of the time.

Sincerely,

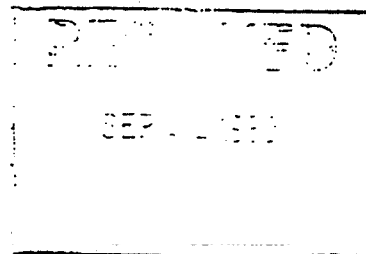
MORRIS & WENELL  
Architects and Planners, Inc.

Robert P. Morris, Architect  
President

cc: Lakeshore Professional Center, Ltd.

RM:mh

f:2/8876.6



301 West Locus Street  
Lodi, CA 95240  
Telephone 209 369-8256

NEW ADDRESS  
222 W. Lockett St.  
Suite #9  
Lodi, CA 95240

January 23, 1990



CITY COUNCIL MEMBERS  
CITY OF LODI  
221 West Pine Street  
Lodi, CA 95240

SUBJECT: BUILDING APPEAL  
LAKESHORE PROFESSIONAL CENTER

Dear City Council Members:

There are several rationales for allowing the Lakeshore Professional Center to be considered as **Type V-N** (non-rated) construction. First of all, the allowed square footage of the building with no increases would be 16,000 square feet. The building has 14,279 square feet of offices including lobby restrooms and 17,138 square feet gross square footage, the difference consisting of interior circulation hallways. These hallways are rated as one-hour construction by their classification as corridors. If these corridors were outside corridors, they would not be counted as square footage. Should this project be penalized by providing a comfort and security amenity?

Secondly, the argument for increasing allowable square footage addresses the intent of the code: does the code allow increases based on proximity of other buildings (as we contend) or for fire department access? We believe the L.C.B.O. ruling favors our argument when they say "Since the code does not require this connection (open space to public way), a denial of a yard or open space to be used for increasing the building area based on ineffective fire department accessibility should be reconsidered."


The property line issue is arguable in that the property of the lake is common ownership to all properties bordering the lake, thus is, in fact, partially owner by Lakeshore Professional Center.

This decision has a cost impact on the tenant improvements of approximately \$70,000. We have been pursuing this meeting on the appeal since September 13th of last year. Tenant improvements are waiting permits based on this decision.

Given these arguments we request a **Type V** non-rated construction.

Sincerely,

MORRIS & WENELL  
Architects and Planners, Inc.

  
Larry Wenell, Architect  
President

301 West Locus Street  
Lodi, CA 95240  
Telephone 209 369-8258

NEW ADDRESS  
222 W Locketford St  
Suite #4  
Lodi, CA 95240



MEMORANDUM, City of Lodi , Community Development Department

TO: CITY CLERK AND CITY COUNCIL

FROM: CHIEF BUILDING INSPECTOR

DATE : JANUARY 22, 1990

SUBJECT: APPEAL BY MORRIS & WENELL, ARCHITECTS - LAKESHORE PROFESSIONAL CENTER, 1806 W. KETTLEMAN LANE

The Uniform Building Code provides an appeal process to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the Code. By adopting ordinance, the City Council shall sit as a Board of Appeals with the Chief Building Inspector as an ex-officio Member and Secretary of the Board.

The Code restricts the maximum square footage of a wood frame, non fire resistive office building, in order to protect the occupants from loss of life, the structure from fire damage and adjacent buildings from same. The maximum square footage of a given building is determined by a formula using the following factors:

1. Occupancy
2. Type of construction (i.e. fire resistive or not)
3. Public way or open yards more than 20' in width, on two or more sides

In applying this formula to the office building at 1806 West Kettleman Lane, the Building Inspection Division denied the use of separation on two sides (for an allowable area increase of 50%) due to the fact that the building is 10' from the east and west property lines and the back side of the building is on a lake. Our interpretation of the reason for the allowable area increase, using separation on two or more sides, is that public ways and open yards provide access for Fire Department personnel and equipment, egress from the building and protection of adjacent buildings.

The Code requires yards to be open, unoccupied and unobstructed. We consider a lake to be an obstruction to the Fire Department and would limit egress.

When a building exceeds its maximum allowable square footage, one or more of the following fire resistive elements must be incorporated into the building.

1. Automatic sprinkler systems
2. One-hour fire resistive construction throughout
3. Fire resistive area separation walls

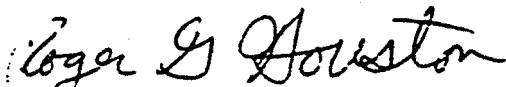
City Clerk and City Council  
January 22, 1990  
Page 2

During the plan check procedure in April of 1989, we informed Morris & Wenell, Architects that the proposed office building was over area for the type of construction (V-N) proposed. Morris & Wenell changed the type of construction to one hour fire resistive throughout and based on that change a permit was issued.

Our interpretation that a lake is not an unobstructed yard is supported by the Handbook to the Uniform Building Code and the Application and Interpretation Manual, both documents being published by the International Conference of Building Officials.

Even if we were to consider the lake as a yard, the distance between the wood deck, which is attached to the rear of the building, and the rear property line is only 15'11". Only yards in excess of 20' can be considered for the purpose of area increases.

We feel our interpretation of the code is correct and that the appeal of Morris & Wenell, Architects should be denied.



ROGER G. HOUSTON  
Chief Building Inspector

RGH/cag



- B. Where the lower roof-ceiling framing elements are perpendicular to the wall, the entire span of such framing and elements supporting such framing shall be of not less than one-hour fire-resistive construction.
- C. Openings in the lower roof shall not be located within 10 feet of the area separation wall.

See Chapters 6 to 12 inclusive for special occupancy provisions.

### Allowable Area Increases

**Sec. 506. (a) General.** The floor areas specified in Section 505 may be increased by one of the following:

1. **Separation on two sides.** Where public ways or yards more than 20 feet in width extend along and adjoin two sides of the building, floor areas may be increased at a rate of 1 1/4 percent for each foot by which the minimum width exceeds 20 feet, but the increase shall not exceed 50 percent.

2. **Separation on three sides.** Where public ways or yards more than 20 feet in width extend along and adjoin three sides of the building, floor areas may be increased at a rate of 2 1/2 percent for each foot by which the minimum width exceeds 20 feet, but the increase shall not exceed 100 percent.

3. **Separation on all sides.** Where public ways or yards more than 20 feet in width extend on all sides of a building and adjoin the entire perimeter, floor areas may be increased at a rate of 5 percent for each foot by which the minimum exceeds 20 feet. Such increases shall not exceed 100 percent, except that greater increases shall be permitted for the following occupancies:

- A. Group B, Division 3 aircraft storage hangars not exceeding one story in height.
- B. Group B, Division 4 Occupancies not exceeding two stories in height.
- C. Group H, Division 5 aircraft repair hangars not exceeding one story in height. Area increases shall not exceed 500 percent for aircraft repair hangars except as provided in Section 506 (b).

(b) **Unlimited Area.** The area of any one- or two-story building of Group B and Group H, Division 5 Occupancies shall not be limited, if the building is provided with an approved automatic sprinkler system throughout, as specified in Chapter 38, and entirely surrounded and adjoined by public ways or yards not less than 60 feet in width.

The area of a Group B, Division 4 Occupancy in a one-story Type II, Type III or One-hour or Type IV building shall not be limited if the building is entirely surrounded and adjoined by public ways or yards not less than 60 feet in width.

(c) **Automatic Sprinkler Systems.** The areas specified in Table No. 5-C and Section 505 (b) may be tripled in one-story buildings and doubled in buildings of more than one story if the building is provided with an approved automatic sprinkler system throughout. The area increases permitted in this subsection may be compounded with that specified in paragraphs 1, 2 or 3 of Subsection (a) of this section. The increases permitted in this subsection shall not apply when automatic sprinkler systems are installed under the following provisions:

- 1. Section 507 for an increase in allowable number of stories.

horizontal distance from an exterior opening equal to twice the height of the opening.

3. Ceiling and roof soffits beyond a horizontal distance of 10 feet from the outer edge of the ceiling or roof soffits.

**X**

Sec. 425. No definitions.

**Y**

Sec. 426. **YARD** is an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated.

**Z**

Sec. 427. No definitions.

## Chapter 33

### EXITS

#### General

**Sec. 3301. (a) General.** Every building or portion thereof shall be provided with exits as required by this chapter.

**(b) Definitions.** For the purpose of this chapter, certain terms are defined as follows:

**BALCONY, EXTERIOR EXIT,** is a landing or porch projecting from the wall of a building, and which serves as a required exit. The long side shall be at least 50 percent open, and the open area above the guardrail shall be so distributed as to prevent the accumulation of smoke or toxic gases.

**CONTINENTAL SEATING** is the configuration of fixed seating where the number of seats per row exceeds 14 and required exits from the seating area are side exits.

**EXIT** is a continuous and unobstructed means of egress to a public way and shall include intervening aisles, doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts and yards.

**EXIT COURT** is a yard or court providing access to a public way for one or more required exits.

**EXIT PASSAGEWAY** is an enclosed exit connecting a required exit or exit court with a public way.

**HORIZONTAL EXIT** is an exit from one building into another building on approximately the same level, or through or around a wall constructed as required for a two-hour occupancy separation and which completely divides a floor into two or more separate areas so as to establish an area of refuge affording safety from fire or smoke coming from the area from which escape is made.

**PANIC HARDWARE** is a door-latching assembly incorporating an unlatching device, the activating portion of which extends across at least one half the width of the door leaf on which it is installed.

**PRIVATE STAIRWAY** is a stairway serving one tenant only.

**PUBLIC WAY** is any street, alley or similar parcel of land essentially movable from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use and having a clear width of not less than 10 feet.

**SPIRAL STAIRWAY** is a stairway having a closed circular form in its plan view with uniform section shaped treads attached to and radiating about a minimum diameter supporting column. The effective tread is delineated by the nosing radius line, the exterior arc (center line of railing) and the overlap radius line (nosing radius line of tread above). Effective tread dimensions are taken along a line perpendicular to the center line of the tread.

**(c) Exit Obstruction.** Obstructions shall not be placed in the required width of an exit except projections permitted by this chapter.

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# HANDBOOK

TO THE

## UNIFORM BUILDING CODE

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*An Illustrative Commentary*

by Vincent R. Bush



International Conference of Building Officials

### Allowable Area Increases—Section 506

The minimum requirement of the code insofar as siting a building is concerned that it have access on at least one side in a street or yard. Thus it could extend completely between side property lines and to the rear property line and

have access from only one side. It therefore follows that if a building is provided with yards or open space on two or more sides, some benefit should accrue based upon better access for the fire department. Also if the yards or streets are wide enough there will be a benefit due to the decreased exposure from adjoining properties.

Because of the beneficial aspects of open space adjacent to a building, the U.B.C. permits increases in the areas established from Section 505 based upon the number and width of the yards and streets around the building. In order for yards to be effective for use by the fire department it would be advisable they be connected to a public way so that the fire department will have access to that portion of the perimeter of the building which is adjacent to open space. However, the code does not require this connection. Also, the code requires (through definition of yard) that a yard be open, unoccupied and unobstructed from the ground to the sky. This definition precludes the storage of pallets, lumber, manufactured goods or any other objects which similarly obstruct the yard. However, automobile parking, low-profile landscaping, fire hydrants and similar features are permitted.

In the case where streets or yards adjoin two sides of the building, the code permits an increase in area up to 50 percent. Where streets or yards exist on three or four sides, the code for most occupancies and types of construction permits an area increase up to 100 percent.

When access is available on four sides, the code does allow extra area increases for three cases where the amount of combustibles and, consequently, potential fire severity is relatively low. Also, the height of the building is limited to either one or two stories. In these three cases the area may be increased beyond 100 percent, provided, of course, the minimum width yard or street exceeds a width of 40 feet. This is based on the code criterion of permitting a rate of increase equal to five percent for each foot that the minimum width yard or street exceeds 20 feet.

There are many cases where very large undivided floor areas are required for efficient operation in such facilities as warehouses and industrial plants. The U.B.C. recognizes this necessity and allows unlimited areas for these uses under two different sets of circumstances.

The first case is for buildings up to a maximum of two stories in height of Group B and Group H, Division 5 Occupancies where the building is completely surrounded by streets or yards not less than 60 feet in width and protected throughout by an automatic fire-sprinkler system. The code assumes in this case that the amount of combustibles and, consequently, the potential fire severity is relatively low. In addition the protection provided by the automatic fire-sprinkler system plus the fire department access furnished by the 60-foot yards or streets surrounding the building reduce the potential fire severity to such a level that unlimited area is reasonable.

The second case involves a noncombustible building or a building of heavy-timber construction (Type IV) with noncombustible contents. The code assumes that a heavy-timber building provides somewhat comparable performance insofar as fire safety is concerned as a noncombustible building. This second case also requires that the building be surrounded by yards or streets with a minimum width of 60 feet.